REMARKS

The present invention is a method for downloading adaption data from a server to a portable radio communication device, a system for downloading adaption data from a server to a portable radio communication device, a portable radio communication device operable in a radio communication network including a server, and a server arranged for communication with a portable radio communication device for downloading adaption data onto the portable radio communication device. A method for downloading adaption data from a server 10 to a portable radio communication device 31 includes providing electronic content from memory 23 for storage on a memory of the portable electronic communication device; providing adaptation data on the memory 23 of the server 21; allowing access to the adaption data on the server for downloading from the memory of the server to the portable radio communication device; downloading the adaption data from the memory of the server to the portable communication device 150; monitoring downloading of the adaptation data by the portable radio communication from the memory of the server to provide output data as described on page 9, lines 6-18, and further, page 9, lines 25-32, through page 10, lines 1-10; applying the adaptation data to the electronic content so as to modify the electronic content to provide adapted electronic content as described on page 2, lines 11-29, of the specification; generating data based on the output data of said monitoring downloading of said adaptation data as described at the aforementioned portions of page 2 of the original specification; and computing remuneration data related to the electronic content and the adaptation data based on the generated data as described on page 3, lines 1-5, and further page 9, lines 25-32, through page 10, lines 1-10.

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Claims 1-13 stand rejected under 35 U.S.C. §102 as being anticipated by United States Patent 6,052,600 (Fette et al). These grounds of rejection are traversed for the following reasons.

Fette et al disclose a software programmable radio which is configured to operate within a network 100. Server 110 receives information from a database and conveys information to a base station through communication channel 107. Radio 200 receives information through the wireless communication channel 105 and performs configuration operations based on the information. See column 3, lines 31-41. The information may include a software program, a license, etc. See column 3, lines 42-51.

Furthermore, records computer 118 generates record information including billing data associated with phone calls. See column 3, lines 58-67, through column 4, lines 1-2. However, the generation of billing data associated with the phone calls is not described as generating remuneration data which pertains to the downloading of adaption data. Moreover, it is submitted that Fette et al do not disclose monitoring downloading of adaption data to the portable radio communication device. In this regard it is noted that the Examiner has cited column 3, lines 61-63, which state that "[r]ecords computer 108 tracks usage data associated with, for example, software programs downloaded to radio 200". However, the tracking by the records computer 108 is not described as generating data based on output data from the monitoring of the adaption data and computing remuneration data related to the adaption data as recited substantively in independent claims 15, 18 and 22.

Furthermore, newly submitted claim 21 recites:

> A portable radio communication device operable in a radio communication network including a server, the portable radio communication device being capable of downloading adaptation data from the server, the portable radio communication device having a transceiver, a memory and a controller, wherein:

the memory stores electronic content;

the controller is operable to control the transceiver to transmit a request for adaptation data from the server, the request comprising an identifier of the electronic content stored on the device and security data, the identifier and the security data enabling the server to download the adaptation data to the portable radio communication device, the transceiver receives said adaptation data from the server, and the controller modifies the electronic content stored on the memory by applying to the electronic content the received adaptation data to provide adapted data which is stored on said memory;

the transceiver in response to said storing of the adaptation data transmits an acceptance signal; and

said acceptance signal is used by the server for computing remuneration data related to the adaptation data.

It is submitted that Fette et al do not disclose "the controller is operable to control the transceiver to transmit a request for adaption data from the server, the request comprising an identifier of the electronic content stored on the device and security data, the identifier and the security data enabling the data to download the adaption data to the portable communication device, ...the transceiver in response to said storing of adaption data transmits an acceptance signal; and said acceptance signal as used by the server for computing remuneration data related to the adaption data.

Moreover, dependent claims 16, 17, 19 and 20 further limit independent claims 15 or 18 in a manner which is not anticipated by Fette et al.
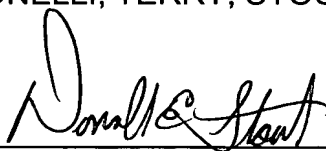
Moreover, there is no basis in the record why a person of ordinary skill in the art would be led to modify the teachings of Fette et al to arrive at the subject matter of the claims except by impermissible hindsight. Accordingly early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of

this paper, including extension of time fees, to Deposit Account No. 01-2135

(367.40282X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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Attachments

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